

FY2006 NEIGHBORHOOD INITIATIVE GRANT APPLICATION

**ALL APPLICATION MATERIALS
SHOULD BE SUBMITTED BY DECEMBER 31, 2006.**

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY PLANNING AND DEVELOPMENT
WASHINGTON, DC 20410

**APPLICATION FOR FY 2006
NEIGHBORHOOD INITIATIVE GRANT**

WHO MAY APPLY: Only the entity named by Congress in the FY 2006 Conference Report is eligible to apply for grant funds.

Upon notification, the Neighborhood Initiative (NI) entity completes the application, submits all required documents, including the environmental review. Grant funds may only be released following HUD approval of the application, as well as approval of the environmental certification of compliance and the request for release of funds. An account in HUD's Line of Credit Control Systems (LOCCS) must also be established in order to access grant funds.

WHAT TO SUBMIT: An original and three copies of these five items

- 1. Standard Form 424**
- 2. HUD Form 424 B**
- 3. A project narrative not to exceed one page**
- 4. A line item budget for the full amount of the Neighborhood Initiative grant only**
- 5. Disclosure of Lobbying Activities (Standard Form LLL (Rev. 7-97))**
- 6. Acknowledgment of Receipt of Application**

Instructions for completing the application and required forms are included in this application package.

WHERE TO SUBMIT: Submit the original application and two copies to:

Processing and Control Branch, Room 7251
Attn: **FY 2006** Neighborhood Initiative Grants
Congressional Grants, CPD
U.S. Dept. of Housing and Urban Development
451 Seventh St., SW
Washington, DC 20410

Submit one copy of the application to the local HUD Field Environmental Office for your jurisdiction, listed in ATTACHMENT II of this Application Kit.

WHEN TO SUBMIT:

To satisfy the intent of Congress and meet your local needs, you should submit your application as soon as possible. HUD strongly recommends that you submit your completed application within 60 days after the receipt of this application kit, so that the Department may respond promptly to both Congress and to your local needs.

HUD's authority to obligate your FY2006 NI grant expires on September 30, 2008. Your organization must have an executed grant agreement with HUD before that date and all funds must be expended by September 30, 2013 or they will be recaptured and returned to the U.S. Treasury.

HOW NI GRANT FUNDS ARE MADE AVAILABLE:

Your grant funds will be available to you once all documents and forms have been received and approved by HUD and a LOCCS account has been established.

Upon receipt of your application, the Congressional Grants Division will review your application to verify that:

1. All forms are correctly completed and properly executed;
2. The proposed activities are consistent with those specified in the FY 2006 Conference Report (HR -); and
3. The environmental review process as described in Attachment II of this Application Kit is underway.

Upon approval of the application, HUD will send you a grant agreement, related forms, and guidance for completing the LOCCS financial forms for the electronic transfer of funds to your bank account.

As the grantee, you are responsible for managing the project and ensuring the proper use of the funds. You are also responsible for ensuring the completion of the project, its proper close-out and compliance with all applicable federal requirements. As the grantee, you may pass funds through to one or more sub-grantees, as identified in your application and in the grant agreement, and as the grantee you are responsible for ensuring each sub-grantee's compliance with federal requirements.

The entire process, from application receipt, verification, approval, Congressional notification, environmental clearance, and authorization for electronic fund withdrawal, may take from 60 to 90 days.

LEGAL REQUIREMENTS:

A. WHAT REGULATIONS APPLY:

These Federal regulations **DO** APPLY to your grant:

1. For State and Local Governments and Indian Tribal Governments, these regulations are 24 CFR Part 85, including provisions related to the disposition of property acquired with HUD funds; and OMB Circulars A-87 and A-133.
2. For Academic Institutions, Hospitals, and Non-Profit Organizations, these regulations are 24 CFR Part 84, including provisions related to the disposition of property acquired with HUD funds; and OMB Circulars A-122 and A-133.
3. For Neighborhood Initiatives Fund applicants, 24 CFR Part 50-Protection and Enhancement of Environmental Quality concerning environmental review of your project.
4. 24 CFR Part 1, including Part 1.5(a)(2) concerning covenants ensuring nondiscrimination.

B. WHAT REGULATIONS DO NOT APPLY:

These Federal requirements **DO NOT** apply to your grant.

1. HUD regulations for Economic Development Initiative-Special Purpose grants and for the Community Development Block Grant Program.
2. Davis-Bacon requirements, *unless* your project is also supported by other funds which do require adherence to the Davis-Bacon Act.

C. ENVIRONMENTAL REVIEW

An environmental review must be completed by the U.S. Department of Housing and Urban Development (HUD) Field Environmental Officer (FEO) for each FY 2006 Neighborhood Initiative Grant Project. The HUD approving official shall make an independent evaluation of the environmental issues; take responsibility for the scope (either an environmental analysis or environmental impact statement) and content of the compliance finding; and make the environmental finding.

If you plan to use your Neighborhood Initiative Project funds for such work as architectural and engineering, technical assistance, or salaries, then the environmental review may be as simple as documenting that these activities are excluded from any further review. But if your FY 2006 Neighborhood Initiative Project involves, for example: 1) acquisition, long-term leasing, or disposition of real property; 2) change in land use, including change in density; or 3) physical change of land or buildings, HUD's release of funds to your bank account can not occur until HUD has received the information required to complete the environmental review, and signed and issued an environmental certification.

You may not take any actions nor commit any HUD or any non-HUD funds which would cause actions that are choice-limiting among reasonable alternatives or would produce an adverse environmental impact, before HUD has approved the environmental certification of compliance, and the request for release of funds. Therefore, you are encouraged to have the environmental review process started as soon as possible.

Attachment II of this Application Kit contains:

1. URL Locations where you can find copies of HUD's environmental regulations.
2. Frequently Asked Questions Frequently Asked Questions about the Environmental Requirements for FY 2006 Neighborhood Initiatives Projects.
3. Summary of Environmental Requirements (Environmental Review Requirement for Neighborhood Initiative Projects)
4. List of HUD Environmental Contacts

DUN AND BRADSTREET REQUIREMENT

Beginning October 1, 2003, any applicant seeking funding directly from HUD, or other Federal agencies, must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and include it on its SF 424 Application for Federal Financial Assistance submission. Failure to provide a DUNS number will prevent you from obtaining an award. Individuals who would personally apply for Federal financial assistance, apart from any governmental, business or nonprofit organization they may represent, are excluded from the requirement to obtain a DUNS number. This policy is pursuant to Office of Management and Budget (OMB) policy issued in the Federal Register on June 27, 2003 (68 FR 38402, June 27, 2003)

Applicants may obtain a DUNS number by calling the dedicated toll-free DUNS Number request line at 1-866-705-5711 between 8 a.m. and 6 p.m. (local time of the caller when calling from within the United States).

ATTACHMENT I

INSTRUCTIONS FOR COMPLETING THE SF424

Frequently asked questions for completing the SF424 Federal Financial Assistance.

Attachment I includes (a) SF 424 cover page; (b) instructions for the SF 424 cover page, and; (c) applicant assurances and certifications (HUD 424 –B).

SF 424 Frequently asked questions for each numbered item:

1. If construction project, check construction box
If not construction, check non-construction box
If both, check both boxes
Pre-Application boxes are not applicable (leave blank).
2. Enter date sent to HUD
3. Leave blank
4. Leave blank
5. Enter information
6. Enter information
7. Enter information
8. Check Appropriate Box
9. Enter HUD
10. Leave blank
11. Attach brief description of project
12. Not applicable
13. Enter information (Start and ending Dates)
14. Enter information
15. Enter estimated funding information **SPECIFY FUNDING COVERED BY THIS GRANT ONLY**

16. Not applicable (Check box that states NO)

17. Check Appropriate Box

18. Enter information

PROJECT DESCRIPTION AND PROJECT BUDGET REMINDER

REMEMBER: You must include a brief project description that is consistent with the Congressional authorization for the use of the grant. You must also include a project budget that is consistent with that Congressional authorization . No pre-printed federal budget form is required for this grant. Your project budget should not include any other sources of funding and should add up to only the Congressional grant amount.

**Acknowledgment of Receipt
of Application for A
FY 2006 Neighborhood Initiative Grant**

U.S. Department of Housing
and Urban Development
Washington, DC 20410

Type or clearly print your name and return address in the space below.

Fold line

**To Be Signed/Dated Below by HUD Processing and Control Branch, Room 7251, 451
Seventh Street, SW, Washington, DC 20410:**

We have received your application for a FY 2005 grant. The **Congressional Grants Division** **will** review your application and contact you if any more information is needed. Otherwise, you should receive an approval package in the near future.

Processor's Name: _____

Date of Receipt: _____

ATTACHMENT II

SUMMARY OF ENVIRONMENTAL REQUIREMENTS FOR FY2005 NEIGHBORHOOD INITIATIVE PROJECTS

1. URL Locations where you can find copies of HUD's environmental regulations

Copies of 24 CFR Part 50 (which consists of Subparts A-F containing Sections 1-43) are available at these websites:

- (a) <http://www.hud.gov/offices/cpd/energyenviron/energy/index.cfm> [Once there, select Energy/Environment from left menu → Select **Environment Web Site** → Select **Laws and Regulations** → Select under Citation 24 CFR Part 50]
- (b) <http://www.gpoaccess.gov/ecfr/index.html> [Once there, under "Browse" select Title 24 – Housing and Urban Development → "GO" → select 0-99 → Scan down and select 50 → At that point an electronic version of Part 50 – PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY becomes available.]

2. FREQUENTLY ASKED QUESTIONS ABOUT THE ENVIRONMENTAL REQUIREMENTS FOR FY 2005 NEIGHBORHOOD INITIATIVE PROJECTS

Since passage of the Multifamily Housing Property Disposition Act of 1994, units of general local government are authorized to carry out federal environmental review responsibilities under the National Environmental Protection Act (NEPA) and related authorities pursuant to 24 CFR Part 50 for many projects funded by HUD, including your Neighborhood Initiative Grant Project.

A. WHAT IS THE ENVIRONMENTAL REVIEW?

An environmental review is the process of considering the environmental impact of a project that is to receive NI—Neighborhood Initiative Grant Project funding. This review process is described in 24 CFR Part 50. The process includes performing an environmental impact analysis that covers the provisions of the National Environmental Policy Act (NEPA) and related environmental laws and regulations. If the review results in a "Finding of No Significant Environmental Impact," then a prescribed public notification is required, as well as a formal request to HUD for release of the grant funds from environmental conditions.

The scope of the environmental review depends on the scope of your project. For complex projects, the review could include a full technical analysis, consultation with the State Historic Preservation Officer, and two weeks notice in a local newspaper. For certain other projects, the environmental review could be simply a letter prepared by the responsible entity stating the project is exempt or excluded from any further review. The HUD environmental officer listed on the following pages can advise you about these requirements.

B. WHO DOES THE ENVIRONMENTAL REVIEW?

Under 24 CFR Part 50, the Department of Housing and Urban Development (HUD) has responsibility for the conduct of the environmental review and may require that you provide information about the project and environmental conditions in order to complete their review.

For this Neighborhood Initiatives Project, the general sequence of actions is (1) you contact your HUD field environmental officer (FEO) to learn the exact procedure to follow for your Neighborhood Initiatives Fund Project; (2) you follow the FEO's technical advice on how to conduct the review; (3) you submit documentation (as advised by the FEO) to the FEO. After the FEO determines that the environmental review has been satisfactorily conducted, the FEO will so inform you and provide a date after which you may commit funds for the project. The FEO will simultaneously inform HUD's Congressional Grants Division office in Washington that your environmental review has been satisfactorily conducted and that the grant funds may be released for your Neighborhood Initiatives Fund Project. To get started, you should contact the HUD FEO listed on the following pages

In summary, as a FY 2005 NI applicant, you must work with the FEO, submit the necessary documentation or information requested, and wait until HUD has completed the environmental review before your grant funds are released.

C. WHEN MAY A RECIPIENT COMMIT ITS NEIGHBORHOOD INITIATIVE PROJECT FUNDS?

You may commit your funds only after you have received written notice from the appropriate FEO that they have approved the release of funds, unless the funds are for activities that have been documented as exempt or categorically excluded and not subject to related laws. You may not take any actions nor commit any HUD funds or any non-HUD funds which would cause actions that are choice-limiting among reasonable alternatives or would produce an adverse environmental impact, before HUD has approved the environmental certification of compliance, and the request for release of funds.

3. SUMMARY OF ENVIRONMENTAL REQUIREMENTS FOR NEIGHBORHOOD INITIATIVE PROJECTS

HUD is responsible for performing the environmental review for your Neighborhood Initiatives Fund Project. **Before** you begin your project, HUD must comply with the National Environmental Policy Act (NEPA) and related Federal laws in accordance with 24 CFR Part 50 - "Protection and Enhancement of Environmental Quality."

You and your partners, and contractors may not commit or expend HUD or non-HUD funds for property acquisition, disposition, rehabilitation, conversion, lease, repair, demolition or construction activities under the Neighborhood Initiatives Fund Project, until the HUD field office in which the project is located has performed the environmental review and complied with Part 50.

HUD headquarters office cannot release your grant funds, until the HUD Field Office CPD Director has approved and signed HUD form 4128 --- "Environmental Assessment and Compliance Findings for the Related Laws."

This application constitutes your agreement to assist HUD to comply with the environmental review requirement and that you shall: (1) supply HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required under Part 50; (2) carry out mitigating measures required by HUD or select alternate eligible property; and (3) not acquire, rehabilitate, convert, lease, repair, demolish or construct property, nor commit or expend HUD or non-HUD funds for these programs activities with respect to any eligible property, until HUD environmental review approval of the property is received.

You must begin to collect the information for the environmental review immediately, even while you are preparing and submitting your application. The information that you should collect is set forth in the Regulation 24 CFR Part 50. Your questions should be directed to the Field Environmental Officer in the field office in which the project is located.

If you need further assistance that is unavailable to you in the HUD field office, contact Mr. Charles Bien, Director, Environmental Review Division, U.S. Department of Housing and Urban Development, Room 7250, Washington, DC 20410, (202) 708-1201 x 4466. E-mail address: Charles_Bien@HUD.gov

4. ENVIRONMENTAL OFFICERS AND CONTACTS ADDRESS LIST

REGION 1 NEW ENGLAND

Regional Environmental Officer

Thomas Melone
New England Regional Office
10 Causeway Street
Boston, MA 02222-1092
Phone: (617) 994-8374
FAX: (617) 565-5442
E-mail: Tom_Melone@hud.gov

CONNECTICUT

Christopher Higgins (**Serves CT, RI**)
Field Environmental Officer
HUD- Hartford Field Office
One Corporate Center-19th Floor
Hartford, CT 06103-3220
Phone: (860) 240-4800 x3072

FAX: (860) 240-4859
E-mail: Christopher_Higgins@hud.gov

MAINE

(See Thomas Melone under Massachusetts)

MASSACHUSETTS

Thomas Melone (**Serves MA, ME, NH, and VT**)
Regional Environmental Officer
New England Regional Office
10 Causeway Street
Boston, MA 02222-1092
Phone: (617) 994-8374
FAX: (617) 565-5442
E-mail: Tom_Melone@hud.gov

NEW HAMPSHIRE

(See Tom Melone under Massachusetts)

RHODE ISLAND

(See Chris Higgins under Connecticut)

VERMONT

(See Tom Melone under Massachusetts)

REGION 2 NEW YORK/NEW JERSEY

Regional Environmental Officer

See Tom Melone under MA

NEW JERSEY

Michael Furda
Field Environmental Officer
HUD-Newark Field Office
One Newark Center
1085 Raymond Boulevard
Newark, NJ 07102
Phone: (973) 622-7900 x3304
FAX: (973) 645-4461
E-mail: Michael_R._Furda@hud.gov

NEW YORK

Therese Fretwell (**Serves southern New York and NYC**)
Field Environmental Officer
HUD-New York City Regional Office
26 Federal Plaza

New York, NY 10278-0068
Phone: (212) 264-2885 x3445
Fax: (212) 264-09993
E-mail: Therese_J._Fretwell@hud.gov

Buffalo Field Office (Serves northern New York)

Ronald Monti
Field Environmental Officer
HUD-Buffalo Field Office
Lafayette Court
465 Main Street, Second Floor
Buffalo, NY 14203-1780
Phone: (716) 551-5755 x5813
Fax: (716) 551-5634
E-mail: Ronald_L._Monti@hud.gov

REGION 3 MID-ATLANTIC

Regional Environmental Officer

William Skwersky
Philadelphia Regional Office
100 Penn Square East
Philadelphia, PA 19107-3380
Phone:(215)656-0624 x3222
FAX:(215) 656-3442
E-mail: William_Skwersky@hud.gov

DELAWARE

(See William Skwersky under Pennsylvania)

DISTRICT OF COLUMBIA

(See Robert Herbert under MD)

MARYLAND

Robert Herbert (**Serves MD and DC**)
Field Environmental Officer
HUD- Baltimore Field Office
10 So. Howard Street, 5th Floor
Baltimore, MD 21201-2505
Phone:(410) 962-2520 x3053
FAX:(410) 962-7250
E-mail: Robert_H._Herbert@hud.gov

PENNSYLVANIA

William Skwersky (**Serves eastern PA, and DE**)

Regional Environmental Officer
Philadelphia Field Office
100 Penn Square East
Philadelphia, PA 19107-3380
Phone:(215)656-0624 x3222
FAX:(215) 656-3442
E-mail: William_Skwersky@hud.gov

Pittsburgh Field Office (Serves western PA and WV)

Michael E. Whitelock
Field Environmental Officer
HUD-Pittsburgh Field Office
339-6th Avenue, 6th Floor
Pittsburgh, PA 15222-2515
Phone:(412) 644-6932
FAX:(412) 644-2678
E-mail: Michael_E._Whitelock@hud.gov

VIRGINIA

Kerry Johnson
Field Environmental Officer
HUD- Richmond Office
600 E. Broad Street
Richmond, VA 23219-1800
Phone: (804) 771-2100 x3835
FAX: 804-771-2090
E-mail: Kerry_Johnson@hud.gov

WEST VIRGINIA

(See Michael Whitelock under PA-Pittsburgh Area Office)

REGION 4 SOUTHEAST/CARIBBEAN

Regional Environmental Officer

Linda Poythress
Atlanta Regional Office
40 Marietta Street NW
Atlanta, GA 30303-3388
Phone:(404) 331-3167 x2557
FAX:(404) 731-2853
E-mail: Linda_P._Poythress@hud.gov

ALABAMA

(See Linda Poythress under Regional Environmental Officer)

PUERTO RICO

John H. Roldan, Jr. (**serves Virgin Islands**)
Field Environmental Officer
HUD-Caribbean Office
Administracion de Terrence Bldg
171 Chardon Ave., Suite 301
San Juan, Puerto Rico 00918-0903
Toll Free: (888) 245-5436-Phone:(787) 766-5400 x2033
FAX:(787) 766-5995
E-mail: John_H._Roldan@hud.gov

FLORIDA

Ubaldo (Al) A. Cazzoli (Southern FL – Miami)

Field Environmental Officer
HUD- Miami Field Office
Brickell Plaza Federal Building
909 SE First Avenue, Suite 500
Miami, FL 33131-3028
Phone:(305) 536-5678 x2276
FAX: (305) 536 -5765
E-mail: Ubaldo_A._Cazzoli@hud.gov

FLORIDA

Northern FL - Jacksonville
(See Harry Walls under Georgia)

GEORGIA

Harry Walls (Serves GA, TN, and northern FL)

Field Environmental Officer
Atlanta Regional Office
40 Marietta Street NW
Atlanta, GA 30303-3388
Phone:(404) 331-3167 x2560
FAX: (404) 730-2853
E-mail: Harry_Walls@hud.gov

KENTUCKY

(See Linda Poythress under Regional Environmental Officer)

NORTH CAROLINA

Lenwood E. Smith (Serves SC)

Field Environmental Officer
Greensboro Field Office
1500 Pinecroft Road, Suite 401
Greensboro, NC 27407-3838
Phone:(336) 547-4000 x2054

FAX:(336) 547-4138

E-mail: Lenwood_E._Smith@hud.gov

MISSISSIPPI

(See Linda Poythress under Regional Environmental Officer)

SOUTH CAROLINA

(See Lenwood Smith under NC)

TENNESSEE

(See Harry T. Walls under GA)

VIRGIN ISLANDS

(See John Roldan under Puerto Rico)

REGION 5 MIDWEST

ILLINOIS

Steve Vahl **(Serves IN)**
Field Environmental Officer
Chicago Regional Office
Metcalf Fed. Bldg.
77 W. Jackson Blvd.
Chicago, IL 60604-3507
Phone:(312) 353-1696 x2728
FAX:(312) 353-0121
E-mail: Steve_Vahl@hud.gov

INDIANA

(See Steve Vahl under IL)

MICHIGAN

(See Kathleen Schmidt under MI)

MINNESOTA

(See Kathleen Schmidt under WI)

OHIO

Ross Carlson
Field Environmental Officer
HUD- Columbus Field Office
200 North High Street
Columbus, OH 43215-2499
Phone:(614) 469-5737 x8252
FAX:(614) 469-2237
E-mail: Ross_Carlson@hud.gov

WISCONSIN

Kathleen Schmidt (**Serves WI, MI and MN**)
Field Environmental Officer
HUD- Milwaukee Field Office
Henry S. Reuss Federal Plaza
310 West Wisconsin Ave., Suite 1380
Milwaukee, WI 53208-2289
Phone:(414) 297-3214 Ext. 8108
FAX:(414) 297-3202
E-mail: Kathleen_A._Schmidt@hud.gov

REGION 6 SOUTHWEST

Regional Environmental Officer

Lester Berman
Fort Worth Field Office
801 Cherry Street, Room 2860
Ft. Worth, TX 76102
Phone:(817)978-5983
FAX (817)978-5569
Lester_H._Berman@hud.gov

ARKANSAS

(See Lester Berman under Regional Environmental Officer)

TEXAS

HUD- Fort Worth Field Office

Jack Pipkin (**Serves eastern, central, western TX**)
Field Environmental Officer
Forth Worth Field Office
801 Cherry Street, Room 2856
Ft. Worth, TX 76102
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FAX:(817)-978-5569
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HUD-San Antonio Area Office

W. Laurence Doxsey (**Serves southern TX and LA**)
Field Environmental Officer
106 South St. Mary's Street, Suite 405
San Antonio, TX 78205
Phone:(210) 475-6882
FAX: (210) 472-6804
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LOUISIANA

(See W. Laurence Doxsey under TX- San Antonio Office)

NEW MEXICO

(See Lester Berman under Regional Environmental Officer)

OKLAHOMA

(See Lester Berman under Regional Environmental Officer)

REGION 7 GREAT PLAINS

Regional Environmental Officer

Paul F. Mohr
HUD-Kansas City Regional Office
400 State Street
Kansas City, KS 66101-2406
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FAX:(913) 551-5859
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IOWA

(See Sandra Freeman under MO)

KANSAS

Paul F. Mohr (**Serves KS, NE, and western MO**)
Regional Environmental Officer
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MISSOURI

Sandra J. Freeman (**Serves IA, and eastern MO**)
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(See Paul F. Mohr under KS for Western MO)

NEBRASKA

(See Paul Mohr under MO)

REGION 8 ROCKY MOUNTAINS

COLORADO

Howard Kutzer (Serves CO, UT, WY, MT ,ND, SD)

Regional Environmental Officer

Denver Regional Office

1670 Broadway Street

Denver, CO 80202-4801

Phone: (303) 672-5285 x1305

FAX: (303) 672-5150

E-mail: Howard_S._Kutzer@hud.gov

MONTANA

(See Howard Kutzer under CO)

NORTH DAKOTA

(See Howard Kutzer under CO)

SOUTH DAKOTA

(SEE HOWARD KUTZER UNDER CO)

UTAH

(See Howard Kutzer under CO)

WYOMING

(See Howard Kutzer under CO)

REGION 9 PACIFIC/HAWAII

Regional Environmental Officer

Ernest Molins

San Francisco Regional Office

600 Harrison Street, Third Floor

San Francisco, CA 94107-1300

Phone: (415) 489-6731

FAX: (415) 489-6732

E-mail: Ernest_Molins@hud.gov

ARIZONA

(See Ernest Molins under CA)

CALIFORNIA

Ernest Molins (Serves NV, AZ, HI and northern CA)

Regional Environmental Officer
San Francisco Regional Office
600 Harrison Street, Third Floor
San Francisco, CA 94107-1300
Phone: (415) 489-6731
FAX: (415) 489-6732
E-mail: Ernest_Molins@hud.gov

Elizabeth McDargh (Serves southern CA)

Field Environmental Officer
HUD-Los Angeles Field Office
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Los Angeles, CA 90017-3127
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E-mail: Elizabeth_McDargh@hud.gov

GUAM

(See Ernest Molins under CA)

HAWAII

(See Ernest Molins under CA)

NEVADA

(See Ernest Molins under CA)

REGION 10 NORTHWEST/ALASKA

Regional Environmental Officer

Deborah Peavler-Stewart
Housing and Urban Development
Office of Regional Director
909-1st Avenue, Suite 255
Seattle, WA 98104-1000
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FAX: (206) 220-5108
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ALASKA

(See Deborah Peavler-Stewart or Sara Jensen under WA)

IDAHO

(See Deborah Peavler-Stewart or Sara Jensen under WA)

OREGON

(See Deborah Peavler-Stewart or Sara Jensen under WA)

WASHINGTON

Deborah Peavler-Stewart (Serves WA, ID, OR and AK)

Regional Environmental Officer
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Sara Jensen (Serves WA, ID, OR and AK)

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PROTOCOL FOR ENVIRONMENTAL REVIEW

This protocol defines the information to be supplied by recipients to the HUD field office for the HUD Neighborhood Initiatives Fund Project (HNIP) in accord with the recipient's application and agreement. The recipient's information will help HUD to complete the environmental review processing required by 24 CFR Part 50--"Protection and Enhancement of Environmental Quality." Recipients must not acquire, rehabilitate, convert, lease, repair, demolish or construct property, nor commit HUD or non-HUD funds for these program activities with respect to any eligible property, until the recipient receives HUD environmental approval of the property from the CPD Division Director in the field office in which the project is located. Where NI grant recipients propose more than one property, you are to aggregate properties into a single group (or even a neighborhood area to the extent feasible) so that the HUD environmental review and approval may be completed under a single evaluation by the HUD field office where feasible. The protocol provides specific questions for the recipient to answer for each property proposed for the project. In addition, the protocol provides resources related to each question. These questions should be applied to an entire neighborhood area if the recipient proposes to use the funds to benefit the neighborhood area.

Note: The type of activity proposed by the recipient will determine which of the following questions need to be answered. Section G of the attached format specifies which of the following questions are to be answered based upon the type of activity proposed for HNIP assistance:

- (1) For leasing or rental assistance involving of existing structures: complete questions #1 through 3 only;
- (2) For acquisition of existing structures: complete questions #1 through 5 only;
- (3) For minor rehabilitation and repair of existing structures: complete questions #1 through 6 only;
- (4) Individual actions: For new construction or acquisition of land for development of up to four housing units **or** for five or more units of housing on scattered sites where the housing sites are more than 2,000 feet apart and there are not more than four units on any one site: complete questions #1 through 15 only; and
- (5) Other actions: complete questions #1 through 16 for other new construction (including demolition), acquisition of undeveloped land, conversion from one land use to another, infrastructure improvements, or major rehabilitation and improvement (unless otherwise noted) of existing buildings.

Questions

#1 Is the property located within designated coastal barrier resources?

#2 Is the property contaminated by toxic chemicals or radioactive materials?

#3 Is the property located within a flood hazard area or designated wetland?

#4 Is the property within an area requiring flood insurance protection?

#5 Is the property located within an airport runway clear zone?

#6 Is the property listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, an historic district; or is a property whose area of potential effect includes a historic district or property?

#7 Is the property located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature?

#8 Is the site noise-impacted?

#9 Is the project consistent with the coastal zone management plan?

#10 Does the project affect a sole source aquifer?

#11 Does the project affect endangered species?

#12 Does the project affect listed wild and scenic rivers?

#13 Does the project affect prime and unique farmland, or other farmland of statewide or local significance?

#14 Is the project located within a "non-attainment" or "maintenance" area identified in the air quality State Implementation Plan?

#15 Is the project located in a neighborhood or community where the proposed action is likely to raise environmental justice issues?

#16 Does the recipient propose: (i) acquisition of land for development of more than four housing units on any one site or of five or more units of housing where the housing sites are 2,000 feet or less apart; (ii) infrastructure; (iii) new construction other than for residential activities excluded under §50.20(a)(3); (iv) major rehabilitation of existing structures in accordance with §50.20(a)(2) that involves any of the following conditions: (a) in the case of residential buildings, an increase in the unit density of more than 20 percent; (b) changes in land use (from non-residential to residential or from residential to non-residential); or (c) estimated cost of rehabilitation that is 75 percent or more of the total estimated cost of replacement after rehabilitation; or (v) any other activity not categorically excluded under §50.20(a)?

Resources for Supporting Documentation

Recipients may wish to contact their local or county planning agency or local Neighborhood Initiatives agency, and request the agency's help in supplying the necessary information or have the agency staff prepare a letter with their answers (i.e., findings) to the above questions. NI grant recipients may acquire the services of private consultants, or unit of local government to obtain and supply the information that may be requested by the HUD Field Office. Most of the information necessary to prepare the response to these questions is readily available

The NI grant recipient's written response should include a city or county map that shows the location of the property or project area as well as photos showing the north, east, south, and west perspectives from the property or the project area, and the dates the photos were taken. Because the most time consuming item is the letter (see below) from the State Historic Preservation Officer (SHPO), recipients are encouraged to contact the SHPO **as early as possible**.

Question #1: Is the property located within designated coastal barrier resources?

Threshold: Recipients are **prohibited** by the Coastal Barrier Resources Act, as amended, (16 U.S.C. 3501 et seq.) from using Federal financial assistance for properties in their Neighborhood Initiatives Fund Project if the properties are located within designated coastal barriers of the Atlantic Ocean, Gulf of Mexico, or the Great Lakes.

Documentation: Recipients are to select either **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient states that its program operates in an area or community that does not contain any shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes.

B. For a recipient whose program operates in an area or community that does contain shores along the Atlantic Ocean, the Gulf of Mexico, or the Great Lakes, the recipient provides HUD with a finding made by a qualified source based upon the official map issued by the Department of the Interior or the flood insurance rate maps (FIRM) issued by the Federal Emergency Management Agency stating that the recipient's proposed property or project is not located within designated coastal barrier resources. The map panel number must be cited.

Example: The finding is that the coastal property is not located within designated coastal barrier resources as shown on FIRM map for Cameron County, TX, community-panel number 480101 0005 A, map revised March 18, 1991.

Question #2: Is the property contaminated by toxic chemicals or radioactive materials?

Threshold: HUD policy, as described in §50.3(i), provides that "(1)...all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. (2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards...". HUD will not approve the provision of financial assistance to residential properties located on contaminated sites that are not found to meet the criterion in (1) above. Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to, sites which: (i) are listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) are located within 3,000 feet of a toxic or solid waste landfill site; or, (iii) have an underground storage tank (which is not for residential fuel).

Documentation: Recipients are to select either **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provides HUD with a finding made by a qualified data source stating that the property proposed for use in the its program: (i) is not listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) is not located within 3,000 feet of a toxic or solid waste land fill site; (iii) does not have an underground storage tank (which is not a residential fuel tank); and (iv) is not known or suspected to be contaminated by toxic chemicals or radioactive materials.

B. The recipient states that the property: (i) is listed on an EPA Superfund National Priorities or CERCLA List, or equivalent State list; (ii) is located within 3,000 feet of a toxic or solid waste land fill site; (iii) does have an underground storage tank (which is not a residential fuel tank); or (iv) is known or suspected to be contaminated by toxic chemicals or radioactive materials. For any of these conditions, the recipient must provide an American Society for Testing Materials (ASTM) Phase I report.

Question #3: Is the property located within a flood hazard area or designated wetlands?

Threshold: Projects located within a flood hazard area or designated wetlands are subject to Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) respectively. HUD's implementing regulations at 24 CFR Part 55--Floodplain Management, prescribe measures for protecting floodplains. HUD will require 30 to 60 days in most cases to perform the required processing. Generally, Part 55 does not apply to financial assistance for existing single-family properties proposed for acquisition or lease and located within the floodplain, provided (i) the existing property is not located within a floodway or coastal high hazard area; (ii) the existing property does not involve substantial improvement, which for flood hazard purposes is defined in §55.2(b)(8); (iii) in accordance with §55.12(b)(1), the community in which the property is located is in the Regular Program of the National Flood

Insurance Program (NFIP) and in good standing (i.e., not suspended from program eligibility or placed on probation under 44 CFR 59.24); and (iv) that the existing property does not involve a critical action.

Under the provisions of these Executive Orders, HUD must avoid financial support for covered activities, unless it can demonstrate that there are no practicable alternatives outside the floodplain or wetland. Where flood-free and wetland-free sites are available within the community or housing market area, these are considered practicable.

Floodplain properties covered under E.O. 11988 are properties located within a Special Flood Hazard Area (SFHA) or for critical actions, properties within the 500-year floodplain. The critical action standard applies to the proposed use of HUD assistance to structures or facilities located within the 500-year floodplain, when the structures or facilities are likely to contain occupants who may not be sufficiently mobile to avoid loss of life or injury during flood or storm events (24 CFR Part 55).

Documentation: Recipients are to select **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provides HUD with a finding that the property is **not** located within the Special Flood Hazard Area or designated wetlands.

B. The recipient provides HUD with a finding that the property is located within the Special Flood Hazard Area or designated wetlands.

The response as to whether a property is located within a Special Flood Hazard Area or designated wetlands can be made as follows. To make a wetlands finding, the recipient would use maps issued by the Department of the Interior (DOI) for the National Inventory of Wetlands. To make a floodplain finding, the recipient would use maps issued by the Federal Emergency Management Agency (FEMA) for the National Flood Insurance Program. These findings should cite the map panel number of the official maps issued by DOI and FEMA on the basis of which the findings were made. For flood map information, see the FEMA homepage [<http://www.fema.gov/nfip/fmapinfo.htm>].

Note: If the property is found to be located within a SFHA, please proceed to the next section on Flood Insurance Protection and document the requisite insurance amount and period of coverage. This is not necessary if the project will consist of leasing of an existing structure that does not involve HUD funds for repair or rehabilitation.

Question #4: Is the property in a location requiring flood insurance?

Threshold: The Flood Disaster Protection Act of 1973 requires owners of HUD-assisted SFHA properties to purchase and maintain flood insurance protection as a condition of approval of any HUD financial assistance for proposed acquisition, rehabilitation, conversion, repair or construction of structures located within the Special Flood Hazard Area. The statutorily

prescribed period and dollar amount of flood insurance is discussed below and is more stringent for grant assistance than for loan types of assistance. Recipients cannot be self-insurers under the National Flood Insurance Program. As noted above, leasing activities are not subject to this requirement unless repairs or rehabilitation is assisted with HUD funds.

Duration of Flood Insurance Coverage: The statutory period for such coverage may extend beyond project completion. For loans, loan insurance or guaranty, coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. The statute mandates that "The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property." (42 U.S.C 4012a(a)).

Dollar Amount of Flood Insurance Coverage: For loans, loan insurance or guaranty, the amount of coverage need not exceed the outstanding principal balance of the loan. For grants and other non-loan forms of assistance, the amount of coverage must be at least equal to the development or project cost (less estimated land cost, if any) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (single family, other residential, or non-residential), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing, or improving the building. This cost must include both the Federally assisted and non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishing. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishing, the total cost of that item must be covered. The use of HUD assistance for proposed furnishings for housing is not eligible under section 202.

Proof of Purchase of Flood Insurance Protection: Once HUD has approved a specific SFHA property; the recipient's file for any such property shall contain "proof of purchase" of flood insurance protection. The standard documentation for compliance is the policy Declarations form issued by the National Flood Insurance Program (NFIP) or issued by any property insurance company offering coverage under NFIP.

Documentation: Recipients are to estimate the amount and period of flood insurance coverage and report these in the attached format or equivalent.

Question #5: Is the property located within an airport runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield?

Threshold: HUD policy described in 24 CFR part 51, subpart D applies to assisted properties located within Clear Zones (CZ). In the case of new construction, major or substantial rehabilitation (as defined below), and the acquisition of undeveloped land, this HUD policy also applies to properties located within Accident Potential Zones (APZ). Assisted construction or major rehabilitation of any property located on a clear zone site is prohibited for a project to be frequently used or occupied by people.

Definition: Rehabilitation (including conversion) is "major" or "substantial" when the estimated cost of the work is 75 percent or more of the property value after rehabilitation or, in the case of property in an APZ, when the work would change the use of the facility to a use that is not generally consistent with the recommendations of the Department of Defense's (DOD) "Land Use Compatibility Guidelines for Accident Potential Zones," or significantly increases the density or number of people at the site [§51.302(b)(1) and (2)].

The provision of HUD financial assistance in a CZ is allowed for properties proposed for acquisition or lease with or without minor rehabilitation or repair [§51.302 (c)]. Upon HUD approval for acquisition or lease of a property in a CZ, (a) HUD will give advance written notice to the prospective property buyer or lessor in accordance with §51.303(a)(3); and (b) a copy of the HUD notice signed by the prospective property buyer or lessor will be placed in the property file. The written notice informs the prospective buyer or lessor of the potential hazards from airplane accidents which studies have shown are more likely to occur within clear zones than in other areas around an airport/airfield and the potential by airport or airfield operators, who may wish to purchase the property at some point in the future as part of a clear zone acquisition program.

For properties located in an APZ, HUD shall determine whether the use of the property is generally consistent with DOD guidelines.

Documentation: Recipients are to select either **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provides HUD with a finding from a qualified data source, which states that the property proposed for assistance is not located within 3,000 feet of a civil airport or military airfield.

B. For properties located within 3,000 feet of a civil airport or military airfield, the recipient provides HUD with a finding from the airport or airfield operator stating whether or not the property proposed for assistance is located within a runway CZ (civil airport) or CZ or APZ (military airfield). For properties that are located within a runway CZ, CZ, or APZ, recipients who propose to rehabilitate such a property are to provide HUD with estimates of the cost of the proposed rehabilitation and the property value after the rehabilitation.

Question #6: Is the property listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, a historic district; or is a property whose area of potential effect includes a historic district or property?

Threshold: If a property is proposed for repair (see definition below), rehabilitation, conversion, new construction, or the acquisition of undeveloped land, a HUD determination is needed following the Department of the Interior's Standards and Guidelines for Evaluation. In consultation with the State Historic Preservation Officer (SHPO), HUD will make a determination whether the property is: (a) listed on or eligible for listing on the National Register of Historic Places; or, (b) located within or directly adjacent to a historic district; or (c)

a property whose area of potential effects includes a historic district or property. (The National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq.)

Definition: The term "repair" for historic preservation purposes does not include in-kind replacement or incidental maintenance of external and internal building features.

Historic properties and districts are subject by law to special protection and historic preservation processing, which HUD must perform to comply with the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800). Recipients seeking information from the SHPO need to allow sufficient time to obtain information from the SHPO.

Note: For properties determined to be historic properties, (or properties whose area of potential effects includes a historic district or property) even if the SHPO concludes that no adverse effect will occur as a result of the assisted project, HUD will require 30 to 90 days in most cases to perform the processing required by 36 CFR Part 800.

Documentation: The recipient should select either **A, B, or C** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient proposes to use HUD assistance for the rehabilitation, conversion, or construction of the property and provides HUD with a SHPO's finding that the proposed rehabilitation, conversion, or construction: (i) will have no effect on historic properties; or (ii) will have an effect on historic properties not considered adverse.

B. The recipient proposes to use HUD assistance for rehabilitation, conversion, or construction of the property and provides HUD with a SHPO's finding that the proposed rehabilitation, conversion, or construction will have an adverse effect on historic properties.

C. The recipient provides HUD with a copy of a letter from a SHPO stating the reasons for not being able to provide the recipient with the requested information or finding.

Question #7: Is the property located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature?

Threshold: Properties that are located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature are subject to HUD safety standards (reference 24 CFR Part 51, Subpart C). However, under the HNIP program these standards would apply only if a recipient proposes: (a) construction of a building; (b) conversion of a non-residential land use to a residential land use including making an uninhabitable building habitable; (c) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; or (d) the acquisition of undeveloped land. In the case of tanks containing common liquid fuels, the requirement for an acceptable separation distance (ASD) calculation only applies to storage tanks that have a capacity of more than 100 gallons.

Documentation: Recipients are to select one of the following options **A, B, or C** that best describes the condition of the project, and report the option selected in the attached format or equivalent.

A. The proposed project does not include: (i) the construction of a building; (ii) conversion of a non-residential land use to a residential land use including making an uninhabitable building habitable; (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; or (iv) the acquisition of undeveloped land.

B. The proposed project includes: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making an uninhabitable building habitable; (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; or, (iv) the acquisition of undeveloped land. The recipient provides HUD with a finding by a qualified data source that the property proposed for HUD assistance is not located within the immediate vicinity of hazardous industrial operations handling fuels or chemicals of an explosive nature by citing data and maps used.

C. The recipient proposes: (i) construction of a building; (ii) conversion of a non-residential land use to a residential land use including making an uninhabitable building habitable; (iii) rehabilitation that increases the density of a residential structure by increasing the number of dwelling or rooming units; or (iv) the acquisition of undeveloped land. The recipient provides HUD with a finding made by a qualified data source which states that: (i) the proposed property is located within the immediate vicinity of hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature; (ii) the type of and scale of such hazardous industrial operations; (iii) the distance of such operations from the proposed property; (iv) a preliminary calculation of the **acceptable separation distance** (ASD) between such operations and the proposed property; and, (v) a recommendation as to whether it is safe to use the property in accord with 24 CFR Part 51, Subpart C.

Question #8: Is the site noise-impacted?

Threshold: For new construction which is to occur in high noise areas, recipients shall incorporate noise attenuation features to the extent required by HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control) of 24 CFR Part 51. Since the acquisition of undeveloped land with HUD assistance is eligible only if the land will be used for the development of HUD assisted housing, the standards that apply to new construction also apply to land acquisition.

Definition: High noise areas are those in which the day-night average of exterior noise exceeds 65 decibels.

Approvals in a normally unacceptable noise zone (exceeding 65 decibels but not exceeding 75 decibels) require a minimum of 5 decibels of additional noise attenuation for buildings having noise sensitive (e.g. residences) uses if the day-night average is greater than 65

decibels but does not exceed 70 decibels, or minimum of 10 decibels of additional noise attenuation if the day-night average is greater than 70 decibels but does not exceed 75 decibels.

In unacceptable noise zones (exceeding 75 decibels) the use of HUD assistance is prohibited without the specific approval by the HUD Assistant Secretary for Community Planning and Development of the noise attenuation measures proposed to be used. It is also possible in such a circumstance that an environmental impact statement would have to be prepared.

For major rehabilitation projects and conversions located in the normally unacceptable and unacceptable noise zones, HUD actively seeks to have noise attenuation features incorporated as part of the rehabilitation to be undertaken. For those properties in unacceptable noise zones HUD strongly encourages the conversion of such properties to land uses more compatible with the high noise levels.

Documentation: Recipients are to select **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provides HUD with a finding made by a qualified data source stating that the property proposed for new construction, major rehabilitation, or conversion in its HNIP program is not located within: (i) 1,000 feet of a major noise source, road, or highway; (ii) 3,000 ft of a railroad; or, (iii) 1 mile of a civil or 5 miles of a military airfield.

B. The recipient provides HUD with a finding made by a qualified data source stating whether the property is located within a normally unacceptable or unacceptable noise zone; and, if so: (i) stating that the plans for the property proposed by the recipient for new construction, major rehabilitation or conversion activity in its HNIP program incorporate noise attenuation features in accord with HUD environmental criteria and standards contained in Subpart B (Noise Abatement and Control); and (ii) providing HUD the plans and a statement of the anticipated interior noise levels.

Question #9: Is the project consistent with the State's coastal zone management?

Threshold: The Coastal Zone Management (CZM) Act of 1972 (16 U.S.C. 1451 et seq.) only applies to new construction, major rehabilitation, conversion and substantial improvement activities, and the acquisition of undeveloped land. Projects that can affect the coastal zone must be carried out in a manner consistent with the approved State coastal zone management program under Sec. 307 of the Coastal Zone Management Act of 1972, as amended.

Documentation: Recipients are to select either **A, B, or C** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient states that its program operates in a community that does not contain coastal areas of the Atlantic or Pacific Oceans, the Great lakes or the Gulf of Mexico.

B. The recipient provides HUD with a finding made by a qualified source that even though the recipient operates in a community which contains coastal areas of the Atlantic or Pacific Oceans, the Great Lakes or the Gulf of Mexico, the HUD assisted property is not located in a coastal zone, as defined in the relevant State's Coastal Zone Management Plan.

C. The proposed assisted activity would be located within a coastal zone and the recipient has provided HUD with a finding made by the State CZM agency that the proposed assisted activity is consistent with the approved State CZM program.

Question #10: Does the project affect a sole source aquifer?

Threshold: The sole source aquifer (SSA) authority only applies to proposed HUD assisted new construction and conversion activities and the acquisition of undeveloped land. Projects which can affect aquifers designated by the EPA must be reviewed for impact on such designated aquifer sources. The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 et seq., and 21 U.S.C. 349) requires protection of drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. For information see the homepage of the EPA Office of Ground Water and Drinking Water at (<http://www.epa.gov/OGWDW/ssanp.html>).

Documentation: Recipients are to select either **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provides HUD with a finding made by a qualified data source stating that the property proposed for HUD assistance is not located on nor does not affect a sole source aquifer designated by EPA.

B. For the recipient whose proposed assisted project is located on or would affect a sole source aquifer designated by the EPA, the recipient has identified the aquifer and has provided HUD with an explanation of the effect on the aquifer from a qualified data source, and/or a copy of any comments on the proposed project that the recipient has received from the EPA as well as from any State or local agency with jurisdiction for protecting the drinking water system.

Question #11: Will the project affect an endangered species?

Threshold: The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) applies only to proposed HUD assisted new construction, conversion activities and the acquisition of undeveloped land. Section 7 of the Act sets out procedures for consultation. Consultation will be required with the Department of Interior (Fish and Wildlife Service) **or** the Department of Commerce (National Marine Fisheries Service) depending on the species involved. Consultation is required if an activity may affect a listed (endangered or threatened) species or a critical habitat. A conference is required if an action is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of a critical habitat proposed to be designated for such species.

Documentation: Recipients are to select either **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. For proposed new construction, conversion, or the acquisition of undeveloped land, the recipient has provided HUD with a finding made by a qualified data source that the project is not likely to affect any listed or proposed endangered or threatened species or critical habitat. The finding shall indicate whether the project is located within a critical habitat, and if so, explain why the project is not likely to affect the species or habitat.

B. For proposed new construction, conversion, or the acquisition of undeveloped land which is likely to affect listed or proposed endangered or threatened species or a critical habitat, the recipient has provided HUD with a biological assessment prepared by a qualified data source explaining the likely effect, and/or a finding made by the Fish and Wildlife Service of the Department of the Interior **or** the National Marine Fisheries Service of the Department of Commerce stating as acceptable the proposed mitigation that the recipient will provided to protect any affected endangered or threatened species or critical habitat.

Question #12: Does the project affect listed wild and scenic rivers?

Threshold: HUD assisted activities are subject to the requirements of the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.). New construction, conversion, major or substantial rehabilitation, and the acquisition of undeveloped land which is proposed in areas within one mile of a listed Wild and Scenic River have the potential for impacting this natural resource. For information, see the homepage of National Park Service at [<http://www.nps.gov/rivers/>].

Documentation: The recipient should select **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provided HUD with a finding made by a qualified data source which states that the project is not located within one mile of a listed Wild and Scenic River or the project will not have an effect upon the natural, free flowing or scenic qualities of such a river.

B. The project is located within one mile of a listed Wild and Scenic River and the National Park Service (NPS) of the Department of the Interior indicates that the project, as proposed, will have an effect upon the natural, free flowing or scenic qualities of the river.

Question #13: Does the project affect prime and unique farmland, or other farmland of statewide or local significance?

Threshold: A finding of compliance with the requirements of the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) must be made for assisted new construction activities and the acquisition of undeveloped land.

Documentation: Recipients are to select either **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provides HUD with a finding from a qualified data source which states that the proposed project site does not include prime or unique farmland, or other farmland of statewide or local significance as identified by the Natural Resources and Conservation Service (NRCS) of the Department of Agriculture, or the project site includes prime farmland but is located in an area committed to urban uses.

B. The proposed project site includes farmland and the recipient has requested an evaluation of land type from NRCS using form AD 1006 and has provided the resultant rating to HUD.

Question #14: Is the project within a "non-attainment" or "maintenance" area and not in conformance with the State Implementation Plan (SIP) for clean air?

Threshold: HUD assisted activities are subject to the requirements of the Clean Air Act (42 U.S.C. 7401 et seq.). New construction, conversion, major or substantial rehabilitation, and the acquisition of undeveloped land which are located in "non-attainment" or "maintenance" areas as determined by the EPA may need to be modified or mitigation measures developed and implemented.

Documentation: Recipients should select **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient has provided HUD with a finding made by a qualified data source which states that the project is located in an "attainment area" or if located in a "non-attainment area" the project conforms with the EPA approved State Implementation Plan (SIP).

B. The proposed project is located in a "non-attainment" area and is not in conformance with the SIP.

Question #15: Is the project located in a neighborhood where the proposed action is likely to raise environmental justice issues?

Threshold: Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations") applies to low-income or minority neighborhoods where the recipient proposes the acquisition of housing, the acquisition of land for development, and new construction. Environmental justice issues may include, but are not limited to new, continued or historically disproportionate potential for high and adverse human health and environmental effects on minority or low-income populations. The recipient will need to determine if the site or neighborhood suffers from disproportionate adverse health and environmental effects relative to the community at large. EPA has Federal oversight for this matter. Recipients seeking more detail information about the Executive Order are encouraged to see the EPA EJ homepage at [<http://es.epa.gov/oeca/oejbut.htm>].

Documentation: The recipient should select **A** or **B** for the condition that best describes their project and report the option selected in the attached format or equivalent.

A. The recipient provides HUD with a finding that the project is not likely to raise environmental justice issues.

B. The project is likely to raise environmental justice issues and has the potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations. The recipient must consider mitigation or avoidance of adverse impacts from the project to the extent practicable.

Question #16: Does the recipient propose: (i) acquisition of land for development of more than four housing units on a site or five or more units of housing, where the housing sites are 2,000 feet or less apart; (ii) infrastructure; (iii) new construction other than for residential activities excluded under §50.20(a)(3); (iv) major rehabilitation of existing structures in accordance with §50.20(a)(2) that involves any of the following conditions: (a) in the case of residential buildings, an increase in the unit density of more than 20 percent; (b) changes in land use (from non-residential to residential or from residential to non-residential); or (c) estimated cost of rehabilitation that is 75 percent or more of the total estimated cost of replacement after rehabilitation; or (v) any other activity not categorically excluded under §50.20(a)?

Threshold: For the above activities, an environmental assessment is required for compliance with the **National Environmental Policy Act (NEPA)** (42 U.S.C. 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (CEQ). It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality.

Documentation: If the answer to question #16 is "Yes," recipients are to provide information on any adverse environmental impacts that affect the project or that the project would create. Recipients are to identify any adverse impacts in terms of: (i) impact on unique natural features or areas; (ii) site suitability, access, and compatibility with surrounding development; (iii) soil stability, erosion, and drainage; (iv) nuisances and hazards (natural and built); (v) availability of water supply and sanitary sewers; (vi) availability of solid waste disposal; (vii) availability of schools, parks, recreation, and social services; (viii) availability of emergency health care, fire and police services; and (ix) availability of commercial/retail and public transportation serving such proposed development. Recipients are to identify any significant impacts to the human environment. Report data and findings in the attached format or equivalent.

**Suggested Format: THRESHOLD REVIEW FOR PROPOSED ACTIVITIES HUD
NEIGHBORHOOD INITIATIVES FUND PROJECT**

Recipient's Name: _____
Program Number: _____
Preparer's Name: _____
Phone Number: _____
FAX Number: _____
E-mail Address: _____

A. Describe the project. Indicate the number of housing units to be assisted, and/or acreage to be developed. Include street address, if applicable:

B. Attach a map of the community and identify the location of the proposed project. Attach photographs of the property and adjacent properties. Check:

(1) Map of community is attached: Yes _____ No _____

(2) Photographs of property and adjacent properties are attached: Yes _____ No _____

C. Indicate the present and proposed use of the property:

(1) Present Use: _____

(2) Proposed Use: _____

D. Which of the following activities are being proposed? Check one or more.

(1) Lease or rental assistance involving existing structures _____

(2) Acquisition of existing structures _____

(3) Minor rehabilitation¹ or repair of existing structures _____

¹ Minor rehabilitation means proposed fixing and building repair: (i) where the estimated cost of the work is less than 75 percent of the total estimated cost of replacement after completion; (ii) that does not involve changes in land use from residential to nonresidential, or from nonresidential to residential; and (iii) that does not increase unit density by more than 20 percent.

(4) Major rehabilitation or improvement of existing structures _____

(5) New construction (including demolition), conversion, or infrastructure improvements including the development of utilities and services _____

(6) Acquisition of undeveloped land for future development _____

E. Report the repair/rehabilitation costs and related property values, only if repair or rehabilitation of existing structures is proposed:

(1) Property value before repair/rehab \$ _____

- (2) Repair/rehab costs (est.) \$ _____
(3) Property Value after repair/rehab \$ _____

F. Are there any physical or environmental conditions that are or may indicate a significant impact on the human environment? Indicate: No_____, Uncertain_____, or Yes_____.

G. Respond to these questions:

- (1) For proposed leasing or rental assistance involving existing structures:
Complete questions #1 through 3 only.

- (2) For proposed acquisition of existing structures:
Complete questions #1 through 5 only.

- (3) For proposed minor rehabilitation and repair of existing structures:
Complete questions #1 through 6 only.

(4) Individual actions: For proposed new construction or acquisition of land for development of up to four housing units **or** for five or more units of housing on scattered sites where the housing sites are more than 2,000 feet apart and there are not more than four units on any one site: Complete questions #1 through 15 only.

(5) Other actions: Complete questions #1 through 16 for other proposed new construction (including demolition), acquisition of undeveloped land, conversion from one land use to another, infrastructure improvements, or major rehabilitation and improvement (unless otherwise noted) of existing buildings.

SECTION G

Questions:

#1 Is the property located within designated coastal barrier resources?

Indicate: A_____ or B_____

Documentation:

#2 Is the property contaminated by toxic chemicals or radioactive materials?

Indicate: A_____ or B_____

Documentation:

#3 Is the property located within a flood hazard area or designated wetland?

Indicate: A_____ or B_____

Documentation:

#4 Is the property in a location requiring flood insurance protection?

Indicate: A_____ or B_____

Estimated coverage amount of flood insurance \$_____

Indicate coverage period:

Year in which flood insurance policy is to start:_____

Year in which flood insurance policy is to stop:_____

#5 Is the property located within an airport runway clear zone at a civil airport or within a clear zone or accident potential zone at a military airfield?

Indicate: A_____ or B_____

Documentation:

#6 Is the property listed on, or eligible for listing on, the National Register of Historic Places; located within, or adjacent to, a historic district; or is a property whose area of potential effect includes a historic district or property?

Indicate: A_____, B_____, or C_____

Documentation:

#7 Is the property located near hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature? Indicate: A_____, B_____, or C_____

Documentation:

#8 Is the site noise-impacted?

Indicate: A_____ or B_____

Documentation:

#9 Is the project consistent with the State's coastal zone management?

Indicate: A_____, B_____, or C_____

Documentation:

#10 Does the project affect a sole source aquifer?

Indicate: A_____ or B_____

Documentation:

#11 Does the project affect an endangered species?

Indicate: A_____ or B_____

Documentation:

#12 Does the project affect listed wild and scenic rivers?

Indicate: A_____ or B_____

Documentation:

#13 Does the project affect prime and unique farmland, or other farmland of statewide or local significance?

Indicate: A_____ or B_____

Documentation:

#14 Is the project within a "non-attainment" area and not in conformance with the State Implementation Plan for clean air? Indicate: A_____ or B_____

Documentation:

#15 Is the project located in a neighborhood which suffers from adverse human health or environmental conditions?

Indicate: A_____ or B_____

Documentation:

#16: Does the recipient propose: (i) acquisition of land for development of more than four housing units on any one site or five or more units of housing, where the housing sites are 2,000 feet or less apart; (ii) infrastructure; (iii) new construction other than for residential activities excluded under §50.20(a)(3); (iv) major rehabilitation of existing structures in accordance with §50.20(a)(2) that involves any of the following conditions: (a) in the case of residential buildings, an increase in the unit density of more than 20 percent; (b) changes in land use (from non-residential to residential or from residential to non-residential); or (c) estimated cost of rehabilitation that is 75 percent or more of the total estimated cost of replacement after rehabilitation; or (v) any other activity not categorically excluded under §50.20(a)?

Indicate: Yes_____ or No_____. If the answer is "yes," indicate which of the above activities (i), (ii), (iii), (iv) and/or (v) is proposed.

Documentation: For compliance with the National Environmental Policy Act, report data needed for HUD's preparation of the environmental assessment. Submit data on separate sheets. Indicate any potential impacts of the proposed project on the surrounding area as well as the potential impact of the surrounding area on the proposed project. Identify any adverse and beneficial impacts in terms of:

- (1) Unique natural features and areas
- (2) Site suitability, access, and compatibility with surrounding development
- (3) Soil stability, erosion, and drainage
- (4) Hazards and nuisances (both natural and built)
- (5) Water supply/sanitary sewers
- (6) Solid waste disposal
- (7) Schools, parks, recreation, and social services
- (8) Emergency health care, fire and police services
- (9) Commercial/retail and transportation
- (10) Other: (i) project's conformance with the locality's or tribal community's comprehensive plans and zoning; (ii) proposed displacement of residents or structures by the project; and (iii) energy conservation measures proposed for the project.

